

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAIRO MORENO, *individually*  
*and on behalf of others similarly situated,*

CASE NO.: 1:23-cv-02266-JMA-LGD  
RULE 68 OFFER OF JUDGMENT

*Plaintiff,*

vs.

USA TIRES CORP., a New York  
corporation, and JOHN DOE, an individual, .

-----x  
TO: Nolan K. Klein, Esq.  
Law Offices of Nolan Klein, P.A.  
5550 Glades Rd., Ste. 500  
Boca Raton, FL 33496

Defendants by and through their undersigned counsel and pursuant to Rule 68 of the Federal Rules of Civil Procedure, make the following offer of judgment to resolve, in their entirety, all of the claims asserted by Plaintiff JAIRO MORENO (“Plaintiff”), in the above-captioned action:

1. Pursuant to Fed. R. Civ. P. 68, Defendants, USA TIRES CORP., and JOHN DOE, Individually, jointly and severally, offer to allow Plaintiff, JAIRO MORENO, to have judgment against them, jointly and severally, in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00), inclusive of all legal fees, interest, and costs, with such judgment to be paid immediately.

2. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of any of the Defendants, either past or present, arising or relating to anything whatsoever (whether or not raised in this action), as well against any individual or corporation in connection with the facts and circumstances that are the subject of this action.

3. This offer of judgment is made for the purposes specified in Rule 68 of the Federal

Rules of Civil Procedure and is not to be construed as an admission of liability by any Defendant, or any employee or agent of Defendant, or any individual thereof, nor is it an admission that Plaintiff suffered any damages.

4. Defendants respectfully submit this offer of judgment. Plaintiff must accept same, in writing, within fourteen (14) days after the service of this documents or else the offer will be deemed withdrawn. See F.R.C.P. 68(b).

Dated: 4/2/2024

Respectfully submitted,

By:   
Steven John Moser  
MOSER LAW FIRM, P.C.  
5 East Main Street  
Huntington, NY 11743  
(516) 671-1150  
steven.moser@moserlawfirm.com  
*Attorneys for Defendants*

## eSignature Details

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Signer ID: atjFR1P956qixJMFXzri6L1j  
Signed by: Steven Moser  
Sent to email: steven.moser@moserlawfirm.com  
IP Address: 68.132.49.60  
Signed at: Apr 2 2024, 9:36 am EDT